

CHAPTER 319
FORMERLY
SENATE BILL NO. 241
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE CHILD PLACEMENT REVIEW ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 38, Title 31 of the Delaware Code as follows:

§ 3803 Child Placement Review Board: composition; terms; appointment; removal; vacancies.

(c) The Board shall consist of no fewer than 50 members which shall include at least 26 New Castle County members, 12 Kent County members, and 12 Sussex County members, all of whom shall be appointed by the Governor for a term of up to 3 years in order to continue a staggered basis of membership. A Board member must continue to be a resident of Delaware while serving as a member of the Board. However, a member may continue to serve until a successor is appointed.

(1) The Chairperson of the Board shall be appointed by and serve at the pleasure of the Governor.

(2) There shall be an Executive Committee of the Board which shall consist of 11 members and shall include the following:

- i. The Chair of the Board who will serve as Chair;
- ii. Five board members elected by the Board for a 3-year term and;
- iii. Five additional members appointed by the Governor for 3 year terms.

(3) The Chairperson of the Board is by virtue of the position a member of the Committee on Dispositional Guidelines for Juveniles pursuant to § 1008(b)(11) of Title 10.

§ 3804 Qualifications of board members.

(c) Discrimination is prohibited in the board member appointment procedure on the basis of gender identity, marital status, disability, religion, creed sex, sexual orientation, age, race, color, national origin or ethnicity.

(d) All persons who apply for board membership shall consent to a criminal background review, consistent with the specifications of § 309(a) of Title 31.

§ 3805 Powers and duties of the Board.

The Board has the power and duty to:

(7) Administer the federal Education and Training Vouchers (ETV) in partnership with the Division of Family Services, according to the established Memorandum of Understanding.

§ 3807. Meetings of the Executive Committee and Board.

The Board as a whole shall meet at least once a year and shall annually elect the executive committee members.

(1) The Executive Committee shall meet at least 6 times each year.

(2) Election of the executive committee members shall take place at the annual meeting.

(3) In order to elect the executive committee members, 51% of the 50 member board must be present at the annual meeting.

§ 3808 Duties of the Executive Committee.

The Executive Committee has the authority and duty to:

(1) Elect its officers;

(2) Monitor and evaluate the effectiveness of the Board's child placement review program.

(9) Prepare and approve a written annual report that discusses relevant issues affecting permanency for children. This report will be submitted to the Governor, the Secretary of the Department of Services for Children, Youth and their Families, the Chief Justice of the Supreme Court of Delaware, and the General Assembly, as well as other interested parties. This report may be distributed electronically.

§ 3809 Duties of the Executive Director.

Under the direction of the Executive Committee, the Executive Director's duties include, but are not limited to:

- (3) Ensuring reports are submitted by the placement agency on the status of every child for whom an administrative review is required;
- (4) Ensuring the collection of necessary data and statistics and preparing reports to provide sufficient information to the Board so that the Board can advocate effectively on behalf of children;
- (7) Representing and advocating for the views and the opinions of the Board, as approved by the Executive Committee.
- (8) Working with appropriate organizations, agencies and individuals towards the goal of achieving permanency for the child and promoting that the safety and best interests of the child is the paramount concern in the provision of services to the child.

§ 3810 Administrative review: Purposes.

The administrative review process monitors children in out-of-home placements for the purpose of ensuring services, as well as the safety, well-being and best interest of those children are being addressed in accordance with federal and state laws and regulations. The review process is to specifically address the following:

- (1) Efforts to achieve permanency for the child in a timely manner;
- (2) Services are identified and provided that are necessary to achieve the permanency for the child;
- (3) The appropriateness of the child's current placement;
- (4) The child's health, safety, and well-being;
- (5) Efforts to maintain connections with siblings, birth parents, and other people who are significant to the child;
- (6) If or when additional advocacy action is necessary by the Executive Committee.

§ 3813 Administrative review: Documents required for the review.

(b) A placement agency must provide the Board with information requested by the Board for a review, so long as providing the information requested does not violate federal or state law. The Executive Committee may petition the Family Court for a hearing if a placement agency fails to provide requested or required information.

§ 3814 Administrative review: Procedures.

- (a) The Executive Committee of the Board shall develop and enact policies and procedures that:
 - (1) Ensure the accurate identification of children to be reviewed;
 - (2) Ensure notice of the review is issued in accordance with this statute;
 - (3) Outline the procedures to be followed to prepare for, conduct, and issue Findings and Recommendations following a review.

§ 3815. Administrative review: Findings and recommendations report.

(a) Following the review, a report shall be prepared in accordance with the policy and procedures established by the Executive Committee and distributed in accordance with this statute. The report may address, but is not limited to, the following:

- (1) The child's health, safety, and wellbeing;
- (2) Efforts to maintain connections with siblings, birth parents, and other people who are significant to the child;
- (3) Assessment of the child's current placement;
- (4) Efforts to achieve permanency;
- (5) Assessment of the services necessary to achieve permanency;
- (6) Barriers and/or concerns that impede the achievement of permanency;

(b) The Child Placement Review Board shall submit a written findings and recommendations report of its administrative review to the placement agency and/or contract agency, to the child's parents and legal guardians, or to the child's guardian ad litem or CASA within 15 days of the review. If a case is referred to the Executive Committee for review before the report is distributed, then the report must be submitted within 15 days following the Executive Committee's review.

(e) The findings and recommendations report and any response to the report pursuant to subsections (c) and (d) of this section must be submitted by the Child Placement Review Board to the Family Court and must be made a part of the child's Family Court file. The Court shall review the report and consider the recommendations in it.

(f) The Findings and Recommendations report submitted to the Court pursuant to this subsection is a communication authorized by law and is not an ex parte communication with a judge or commissioner.

The Findings and Recommendations report may be received as evidence by the Court and may be considered by the Court along with other evidence.

§ 3823 [Repealed.]

Approved July 19, 2016